IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4335 OF 2006

Dinkar Bandhu Suryawanshi & Ors. .. Applicant.
(Orig.Accused No.1&2)

V/s.

The State of Maharashtra .. Respondent.

Shri.Ashok S.Dhemare for the applicant.
Shri.P.A.Pol, A.P.P. for the state.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18TH DECEMBER, 2006

P.C.:

1. The applicants are arrested in connection with C.R.No.166 of 2006 registered with Taloja Police Station. The offences alleged are punishable u/s.394, 341 r/w.Sec.34 of I.P.C.

2. The complainant has alleged that the truck driven

by him was intercepted on the highway and the applicants got down from the scooter, abused and assaulted the complainant with fist blow and took away mobile phone and cash of Rs.1,100/-. The police were following the complainant's truck and the police then chased the applicants. One of the applicants was caught and an amount of Rs.1,100/- recovered from him allegedly. The applicants have been arrested on 10-13th October, 2006. Their application for bail was rejected by the Additional Sessions Judge on the ground that the mobile phone is yet to be recovered.

3. It is pointed out as there is no recovery of any article as far as the applicant No.2 is concerned. In fact, the entire prosecution story is doubtful because the police were following the complainant's vehicle according to the version in the F.I.R. If the police were following the vehicle, then there was no occassion for the applicants to allegedly intercept the running vehicle on the highway.

4. In my view, considering the limited role assigned to the applicant No.2 and further considering the fact that the applicants are available for being tried, no

useful purpose would be served by detaining them any further. There is substance in the contention of the learned counsel appearing for the applicants that the prosecution story raises serious doubt and cannot be accepted straightaway. The applicants have filed an affidavit to support proof of their residence. The affidavit is filed by applicant No.1. In such circumstances, the following order would serve the ends of justice.

5. Hence, the following order : -

ORDER :

(i) Applicants are directed to be released on bail in connection with the C.R.No.166 of 2006, registered with Taloja Police Station on executing personal bond in the sum of Rs.5,000/- each (Rs.Fifty thousand only) with one or two local sureties in like amount.

(ii) The applicants shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

(iii) The applicants shall report to the concerned police station once in a week on every Saturday between 5.00 p.m. and 7.00 p.m. till the chargesheet is filed. The applicants shall deposit their passport, if any, with the Investigating Machinery. The applicants shall not leave the limits of Taloja police station and Pune District without prior permission of the Trial Court.

(iv) The applicants shall disclose their place of residence to the Investigating Officer as well as the trial court where they would stay after the release on bail and shall report to the trial court before they travel beyond the State of Maharashtra where they would ordinarily reside.

(v) The applicants shall co-operate for early disposal of the trial. In the event, the trial court is of the opinion that the applicants are responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail.

(vi) Application disposed of.

(S.C.Dharmadhikari, J.)